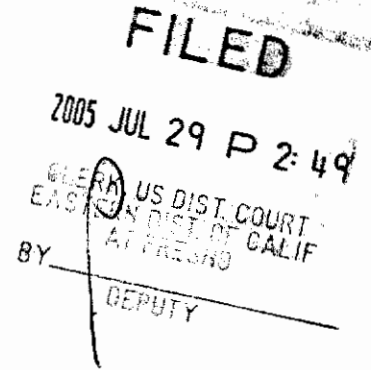


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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$6,492.85 IN U.S.
CURRENCY, SEIZED FROM MERCO
CREDIT UNION BANK, CHECKING
ACCOUNT NUMBER: 11014040

Defendants.

Javier Lua and Maria Lua,

Potential Claimants.

1:05-CV-00558-AWI-LJO

FINAL JUDGMENT OF
FORFEITURE

Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

1. This is a civil forfeiture action of the approximately \$6,492.85 in U.S. Currency, seized from Merco Credit Union Bank, Checking Account Number: 11014040 as set forth in the caption above.

2. That a Complaint for Forfeiture *In Rem* was filed on April 25, 2005, seeking the forfeiture of defendant \$6,492.85 in U.S. Currency (hereinafter "defendant currency"), alleging that said property is subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant currency constitutes moneys or other things of value furnished or intended to be furnished in

1 exchange for a controlled substance, and/or was used or intended to be used to facilitate one or more
2 violations of 21 U.S.C. § 841 et seq.

3 3. That on April 29, 2005, in accordance with said Complaint, a Warrant of Arrest and Summons
4 of the defendant currency was issued and that warrant was duly executed.

5 5. That on or about May 13, 2005, a Public Notice of Arrest of defendant currency appeared by
6 publication in the Merced Sun Star, a newspaper of general circulation in the county in which the
7 defendant currency was seized (Merced County). The Proof of Publication was filed with the Court on
8 June 15, 2005.

9 6. That in addition to the Public Notice of Arrest having been completed, notice was served
10 upon Potential claimants Javier Lua and Maria Lua through their attorney Preciliano Martinez on or
11 about April 29, 2005 by certified mailing. Potential claimant Javier Lua was personally served on or
12 about June 13, 2005 and potential claimant Maria Lua received actual service on or about May 18, 2005.

13 7. No parties have filed claims or answers in this matter and the time for which any person or
14 entity may file a claim and answer has expired.

15 Based on the above findings, and the Court being otherwise fully advised in the premises, it is
16 hereby ORDERED AND ADJUDGED:

17 1. That the Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and
18 between the parties to this action.

19 2. That judgment is hereby entered against potential claimants Javier Lua and Maria Lua and
20 all other potential claimants who have not filed claims in this action.

21 3. That all right, title, and interest in \$6,492.85 in U.S. Currency, Seized From Merco Credit
22 Union Bank, Checking Account Number: 11014040, together with any interest that may have accrued
23 on that amount, is hereby forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), to be
24 disposed of according to law.


25 4. That plaintiff United States of America and its servants, agents, and employees and all other
26 public entities, their servants, agents, and employees, are released from any and all liability arising out
27 of or in any way connected with the seizure or forfeiture of the defendant property. This is a full and
28

1 final release applying to all unknown and unanticipated injuries, and/or damages arising out of said
2 seizure or forfeiture, as well as to those now known or disclosed. The parties waive the provisions of
3 California Civil Code §1542.

4 5. Pursuant to the stipulation of the parties, and allegations set forth in the Complaint for
5 Forfeiture *In Rem* filed April 25, 2005, the Court finds that there was reasonable cause for the seizure
6 of defendant currency, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be
7 entered accordingly.


8 6. That all parties are to bear their own costs and attorneys' fees.

9
10 SO ORDERED THIS 29th day of July, 2005

11
12 
13 ANTHONY W. ISHI
14 United States District Judge

15
16 CERTIFICATE OF REASONABLE CAUSE

17 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein and the
18 allegations set forth in the Complaint for Forfeiture *In Rem* filed April 25, 2005, the Court enters this
19 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
20 seizure of defendant property.

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22 
23 ANTHONY W. ISHI
24 United States District Judge
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